

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1929 of 1995

MAHENDRA J VORA

Versus

STATE OF GUJARAT

Appearance:

(MR GR UDHWANI) for Petitioners

MR MUKESH PATEL, AGP, for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 29/07/1999

ORAL JUDGEMENT

1. This petition was originally filed by the petitioners through their advocate Shri G.R. Udhwani, who after filing the petition was appointed to the judiciary.

2. The petitioner nos.1 and 2 were thereupon served with a notice issued by the Court, and the same has been received by each of them respectively on 12th July and 11th July 1999. Till today no appearance has been filed on their behalf nor have they appeared in person.

3. The petitioners challenge in the present petition under Article 227 of the Constitution of India the orders at Annexures-A and B, being the orders passed by the competent authority and Deputy Secretary dated 71.1995 and 5.9.1991 respectively, whereby the sanction and approval granted in favour of the petitioners under section 21(1) of the Urban Land (Ceiling & Regulation) Act, 1976 has been cancelled. There cannot be any controversy that the State of Gujarat adopted on 30th March 1999 the Urban Land (Ceiling & Regulation) Repeal Act, 1999, and that by virtue of section 4 thereof all proceedings pending on the said date arising from proceedings taken under the Act of 1976 would abate. This petition would in the context of challenge to Annexures-A

and B would abate.

4. The petitioners have also challenged the constitutional validity of Rule 11A read with Schedule 1-A of the Rules framed under the Act of 1976. Since the Act of 1976 has been repealed by virtue of section 2 of the Act of 1999, it is obvious that the Rules framed under the Act of 1976 also stand abrogated and do not exist on the statute book today. For this reason it is not necessary to go into the challenge to the vires of the said Rule.

5. This petition is, therefore, dismissed. Rule is discharged with no order as to costs. Ad interim relief vacated.

29.07.1999 (Y.B. BHATT J.)